

IN RE TESLA, INC. SECURITIES  
LITIGATION

## STIPULATION AND [PROPOSED] ORDER RE: CLASS NOTICE

WHEREAS, the Certification Order further ordered the parties to submit a Stipulation and Proposed Order setting forth the agreed-upon form, content, and method of providing the

<sup>1</sup> Excluded from the Class are: Defendants; the officers and directors of Tesla, Inc. at all relevant times; members of their immediate families and their legal representatives, heirs, successors, or assigns; and any entity in which Defendants have or had a controlling interest.

1 notices to be disseminated to the Class pursuant to Federal Rule of Civil Procedure 23(c)(2)(B)  
 2 (*id.* at ¶11);

3 WHEREAS, on May 6, 2021, the parties submitted a Stipulation and Proposed Order Re:  
 4 Class Notice (Dkt. No. 322);

5 WHEREAS, on May 7, 2021, the Court scheduled a status conference for May 21, 2021,  
 6 to discuss the parties' Stipulation and Proposed Order Re: Class Notice (Dkt. No. 323);

7 WHEREAS, the parties appeared at the May 21, 2021, and agreed to the Court's  
 8 proposed revisions to the proposed methods and schedule for notifying the Class of the pendency  
 9 of the above-captioned action as a class action ("Notice Plan"), Postcard Notice of Pendency of  
 10 Class Action ("Postcard Notice"), Summary Notice of Pendency of Class Action ("Summary  
 11 Notice"), and Notice of Pendency of Class Action ("Notice");

12 NOW, THEREFORE, having met and conferred, the parties have agreed to, and  
 13 respectively submit for approval by the Court, the following:

- 14 1. The Amended Notice Plan (attached hereto as Exhibit 1) along with revised versions  
 15 of the Postcard Notice, Summary Notice, and Notice (attached to the Amended  
 16 Notice Plan as Exhibits B, C, and D) meet the requirements of Rule 23 and due  
 17 process, constitute the best notice practicable under the circumstances, and shall  
 18 constitute due and sufficient notice to all persons and entities entitled thereto<sup>2</sup>;
- 19 2. Specifically, the proposed form and content of the Postcard Notice, Summary Notice,  
 20 and Notice meet the requirements of Rule 23(c)(2)(B), as they clearly and concisely  
 21 state in plain, easily-understood language all of the following: (a) the nature of this  
 22 Action; (b) the definition of the Court-certified Class; (c) the Class claims, issues, or  
 23 defenses; (d) a Class member's right to enter an appearance through his, her, or its  
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 27 <sup>2</sup> Redline versions of the Amended Notice Plan, Postcard Notice, Summary Notice, and Notice are  
 28 attached hereto as Exhibit 2.

- own attorney if the Class member so desires; (e) that the Court will exclude from the Class any Class member who requests exclusion; (f) the time and manner for requesting exclusion; and (g) the binding effect of a Class judgment on Class members under Rule 23(c)(3);
3. The Court hereby approves the method for disseminating notice to the Class as set forth in the Amended Notice Plan and the form, substance, and requirements of the Postcard Notice, Summary Notice, and Notice. Accordingly, Class Representative is to disseminate notice to the Class using the methods set forth in the Amended Notice Plan with the assistance of Class Representative's proposed Notice Administrator, which the Court approves;
4. Nothing herein shall restrict Defendants' rights in this Action, which could include moving to de-certify the Class, in whole or in part, or seeking the exclusion from the Class of certain entities or individuals at a later date.

**IT IS SO STIPULATED**, through Counsel of Record.

Dated: May 21, 2021

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Dated: May 21, 2021

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*Attorneys for Lead Plaintiff Glen Littleton and*

*Lead Counsel for the Class*

Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Stipulation and Proposed Order.

Dated: May 21, 2021

LEVI & KORSINSKY, LLP

By: s/ Adam M. Apton

Adam M. Apton

Pursuant to the Stipulation, **IT IS ORDERED.**

Dated:

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HON. EDWARD M. CHEN

UNITED STATES DISTRICT JUDGE